

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL ACTION NO.: 1:17-cv-00027-MR-DLH

AMANDA STEVENS,

Plaintiff,

vs.

ETHAN ALLEN OPERATIONS, INC.
and CATAWBA VALLEY STAFFING,
INC.,

Defendants.

CERTIFICATE AND REPORT OF
F.R.C.P. 26(f) CONFERENCE AND
DISCOVERY PLAN

1. Certification of Conference. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on **April 3, 2017**, by telephone and was conducted by undersigned counsel for Plaintiff and undersigned counsel for the Defendants in the above-captioned case.
2. Pre-Discovery Disclosures. The information required by Fed.R.Civ.P. 26(a)(1) will be exchanged by **April 24, 2017**.
3. Discovery Plan. The parties jointly propose to the court the following discovery plan:
 - a) All discovery shall be commenced in time to be completed by **October 20, 2017**.
 - b) Discovery Limits:
 - 1) Maximum of **25** interrogatories by each party to any other party.
 - 2) Maximum of **20** requests for admission by each party to any other party.
 - 3) Maximum of **6** depositions by plaintiff(s) and **6** by defendant.
 - c) Reports from retained experts under Rule 26(a)(2) will be due:
 - from plaintiff(s) by July 31, 2017
 - from defendant(s) by August 31, 2017.Supplementations under Rule 26(e) due **as required by the Federal Rules of Civil Procedure**.
4. Other Items.
 - a) The parties **do not** request a conference with the court before entry of the scheduling order.
 - b) All potentially dispositive motions should be filed by **November 20, 2017**.

- c) Settlement **may be enhanced** by use of a **Mediated Settlement Conference**. The parties agree that the above selected ADR procedure would be most useful if conducted after an initial round of preliminary discovery to be completed by September 1, 2017. The parties have agreed to use **Ken Carlson** as the mediator in this matter.
 - d) Final lists of witnesses and exhibits under Rule 26(a)(3) are due **as required by that rule**.
 - e) If the case is ultimately tried, trial is expected to take approximately **3–5** days.
 - f) The parties have discussed the issue of consent to the jurisdiction of a U.S. Magistrate Judge and do not consent.
5. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, protective orders, etc., unmovable scheduling conflicts):
- a. **The parties anticipate that a Protective Order will be needed.**
 - b. **Electronically Stored Information:** The parties have discussed that this lawsuit could involve the discovery of electronically stored information and report to the Court the following:
 - i. **Relevant Information:** The parties have identified the following potential sources of electronically stored evidence that may be relevant to a claim or defense at issue:
 - a. Any electronically stored information that becomes evident or known during the discovery period and that would fall within the scope of Fed. R. Civ. P. 26 for discovery purposes. However, as set forth in Fed. R. Civ. P. 26(b)(2)(B), a party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the party from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Fed. R. Civ. P. 26(b)(2)(C). The Court may specify conditions for the discovery.
 - b. The parties agree to meet and confer as soon as practicable regarding the potential sources of relevant ESI, including identification of custodians, the relevant time period, and methods for culling the resulting ESI if necessary (such as through the use of search terms).

- ii. **Form of Production/ Preservation:** The parties agree that the aforementioned discoverable electronically stored information will be produced in searchable pdf format. The parties further agree that they will undertake good faith efforts to identify relevant and responsive electronically stored information.
- iii. In accordance with Fed. R. Evid. 502(d), the parties stipulate that the production of privileged or work-product protected documents or electronically stored information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. The parties further agree that this stipulation shall be interpreted to provide the maximum protection allowed by Fed. R. Evid. 502(d).

Respectfully submitted this the 10th day of April, 2017.

PHIL GIBBONS LAW, P.C.

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CERTIFICATE OF
SERVICE

The undersigned certifies that on April 10, 2017, the foregoing *Certificate and Report of F.R.C.P. 26(f) Conference and Discovery Plan* was electronically filed with this Court, using the Court's CM/ECF electronic service system, which will send notification of such filing as follows:

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